TOWN OF NEWBURY
BOARD OF SELECTMEN
MINUTES

DATE: February 25, 2020

PRESENT: Board of Selectmen: Chairman J.R. Colby, Selectmen; Damon Jespersen, Geoffrey Walker, Michael Doyle and Selectwoman, Alicia Greco

Town Administrator, Tracy Blais

Call to Order: At 7:00 p.m., Chairman Colby called the meeting to order with the salute to the flag.

Board and Committee Reports

Report of Chairman Colby:

Chairman Colby reported he had signed PR 20-17 for E. Jameson

Grants, Gifts & Donations

(Chapter 44: Section 53A Grants and gifts; acceptance and expenditure)

WWII Memorial Donation, $25.00 as of 2/13/20

Motion: A motion was made by Selectman Jespersen, seconded by Selectwoman Greco and voted unanimously to accept the WWII Memorial Donation.

Public Hearings - None

New Business:

Request for Public Property Use/Special Permits – American Diabetes Association, North Shore Tour de Cure, Sunday May 17, 2020 from 9:00 a.m. to 1:00 p.m. – Use of Roads and a rest stop at the Upper Green

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Walker and voted unanimously to approve the Request for Public Property Use/Special Permits for the American Diabetes Association, North Shore Tour de Cure, Sunday May 17, 2020 from 9:00 a.m. to 1:00 p.m. – Use of Roads and a rest stop at the Upper Green

Notice of Intent to Sell Chapter 61B Property – 6 Marsh Meadow Ln, Byfield, MA

Selectman Jespersen recused himself from the discussion and vote.
The Notice of Intent to Sell Chapter 61B Property – 6 Marsh Meadow Ln, Byfield, MA, Assessor’s Map R22, Lot 10F was received January 27, 2020 with supplements received February 24, 2020 by the Board of Selectmen, the Planning Board, the Conservation Commission, and the Board of Assessors. Notification of certified mail to the State Forester was also received.

Motion: Selectman Walker made the following motion, seconded by Selectwoman Greco: The Board directs a letter be issued to Elena Jespersen, owner of 6 Marsh Meadow Lane acknowledging receipt of the Notice of Intent to Sell Chapter 61B property, 6 Marsh Meadow Ln., Byfield. The Board voted unanimously in favor of the motion.

The Town has the right of first refusal to acquire Chapter land when it is being sold or converted to another use. The Town may also assign its right of first refusal to a qualified non-profit organization or agency of the Commonwealth, or vote to waive its right of first refusal.

Motion: Selectman Walker made the following motion, seconded by selectwoman Greco: To aid the Board of Selectmen in determining if the Town should waive, exercise, or assign its right of first refusal, the Board instructs that respective Town boards, committees, and departments be notified of the Notice of Intent to Sell Chapter 61B property, 6 Marsh Meadow Ln, Byfield, Assessor’s Map R22, Lot10F. Comments are to be received no later than March 9, 2020. The Board voted unanimously in favor of the motion.

Proposed Zoning Amendments for spring 2020 Annual Town Meeting

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Doyle and voted unanimously in accordance with M.G.L. Chapter 40A, Section 5, to submit the proposed Zoning Amendments back to the Planning Board for a Public Hearing.

Three (3) Citizens Petitions for insertion in the warrant for the April 28, 2020 Annual Town Meeting -
Three (3) Amendments to Change the Dimensions of the Parker River Residential Use District

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Doyle and voted unanimously in accordance with M.G.L. Chapter 40A, Section 5, to submit the three (3) proposed Zoning Amendments, to Change the Dimensions of the Parker River Residential Use District, filed by Citizens Petition, to the Planning Board for a Public Hearing.

Discussion - Board Ethics Complaints and Investigation and Resolution re: Selectman Doyle:

Chairman J.R. Colby presented letters and documentation to the Board of Selectmen pertaining to the Board of Ethics complaints, investigation, and resolution regarding Selectman Doyle as follows:

RE: Complaints of Conduct Unbecoming and Appearance of Impropriety – Investigation and Opportunity to Present Defense and Exculpatory Evidence

Following Board discussion and rebuttal by Selectman Doyle:

Motion: Selectman Jespersen made the following motion, seconded by Selectwoman Greco:
As to the complaint from me and Selectman Greco, regarding Selectmen Doyle’s participation in matters involving Triton. Even though Selectmen Doyle participated in matters with Triton against this Board’s vote, because he is no longer an employee of Triton, the Board issue a letter of censure to the Selectman for going against the vote of the Board allowing him to take a salary from the Town and from Triton. The Board voted unanimously in favor of the motion.

**Motion:** Selectman Jespersen made the following motion, seconded by Selectwoman Greco: As to the complaint from me regarding the DPW and the hedges I recommend the Board forward those complaints to the Ethics Commission for their review and determination – given that those matters are likely within the Ethics Commission jurisdiction. The Board voted unanimously in favor of the motion.

RE: Alleged Violation of Board of Selectmen Code of Ethics, Inappropriate Employee Interaction – Report of Investigation and Findings of Fact

Following Board discussion and rebuttal by Selectman Doyle:

**Motion:** Selectman Jespersen made the following motion, seconded by Selectman Walker: As to the complaint regarding Selectmen Doyle’s conduct in Town Hall and with regard to his interactions with the Town Administrator, I recommend the Board issue a censure and advise that such behavior will not be tolerated from anyone in Town Hall or as to any Town Employee. The Board voted unanimously in favor of the motion.

RE: Board of Selectmen Member’s Use of Public Resources for Personal Purposes – Report of Investigation and Findings of Fact

Following Board discussion and rebuttal by Selectman Doyle:

**Motion:** Selectman Jespersen made the following motion, seconded by Selectman Walker: As to the complaint regarding the hedges and the matter with the subcontractor of the Police Station, I recommend the Board forward those complaints to the Ethics Commission for their review and determination given that those matters are likely within the Ethics Commission jurisdiction. The Board voted unanimously in favor of the motion.

**Town Administrators Report** - None

**Meeting Updates:**

Selectwoman Greco reported about the MMA Fiscal Policy Committee meeting she recently attended remotely by phone. She also reported that she was unable to attend the DCC meeting on Thursday, February 27th. Selectmen Jespersen and Doyle will attend.

Selectman Doyle reported about the Upper Green Advisory Committee he attended on February 15th.

Selectman Jespersen reported that he would be participating in a site walk of Newbury Golf Center prior to the continuance of the public hearing on March 4th at 7:15 p.m.
Selectman Walker explained and confirmed the role the Board of Selectmen gave to Selectman Jespersen pertaining to the oversight of the Golf Course construction in conjunction with Peter Paicos, Chair of the Planning Board.

**Warrants:**

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Walker and voted unanimously to sign the warrants as presented.

**Old Business - None**

**Correspondence:**

All correspondence was reviewed.

**Review of Meeting Minutes:**

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectwoman Greco and voted unanimously to accept the minutes February 11, 2020

**Citizen Concerns:**

Fred Thurlow, John Pearson, Clair Dix, and Jim Moran spoke under citizen’s concerns.

**Executive Session - None**

**Adjourn:**

**Motion:** At 8:23 p.m. a motion to adjourn was made by Selectman Jespersen, seconded by Selectman Walker and voted unanimously.

Respectfully submitted,
Ellen Jameson
Executive Administrator